

# STATE OF INDIANA



INDIANA UTILITY REGULATORY COMMISSION  
302 W. WASHINGTON STREET, SUITE E-306  
INDIANAPOLIS, INDIANA 46204-2764

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IN THE MATTER OF THE PETITION OF )  
INFINITY FIBER, LLC, FOR A CERTIFICATE )  
OF TERRITORIAL AUTHORITY TO )  
PROVIDE FACILITIES-BASED LOCAL )  
EXCHANGE AND INTEREXCHANGE )  
TELECOMMUNICATIONS SERVICES, )  
INCLUDING CALLER ID, THROUGHOUT )  
THE STATE OF INDIANA AND FOR AN )  
ORDER DECLINING TO EXERCISE )  
JURISDICTION PURSUANT TO I.C. 8-1-2.6 )

CAUSE NO. 42898

**FILED**

SEP 20 2005

INDIANA UTILITY  
REGULATORY COMMISSION

On August 17, 2005, Infinity Fiber, LLC ("Infinity") filed its Petition ("Petition") with the Indiana Utility Regulatory Commission ("Commission"), seeking confidential treatment of financial statements to be submitted in support of its Petition. On September 19, 2005, Infinity filed its *Submission of Verification of Motion for Confidential Treatment*, in which it offered the signed verification of Kevin Smith that "the representations made in the Motion for Protection of Confidential and Proprietary Information...are true to the best of my knowledge, information and belief."

Infinity seeks confidential protection pursuant to I.C. §8-1-2-29 and the Commission's procedural rule found at 170 I.A.C. 1-1.1-4, and relies on the trade secret exception to public disclosure of public records found at I.C. §5-14-3-4 and I.C. §24-2-3-2 as the basis for its confidentiality claim.

170 IAC 1-1.1-4 governs the submission of confidential or privileged information to the Commission, and requires the applicant to apply for a finding by the Commission that the information is confidential. The application must be accompanied by the sworn statement or testimony of a party that describes: 1) the nature of the confidential information; 2) the reasons why the information should be treated as confidential pursuant to IC 8-1-2-29 and IC 5-14-3; and, 3) the efforts the party has made to maintain the confidentiality of the information.

The Presiding Officer, having considered Petitioner's Motion and accompanying Verification, finds that there is sufficient basis for determination that the Confidential Information should be held as confidential by the Commission on a preliminary basis. Accordingly, Petitioner shall hand deliver to the Presiding Administrative Law Judge, in a sealed envelope clearly marked confidential, with the Cause No. noted thereon, the

Confidential Information which shall be treated as confidential on a preliminary basis and excepted from public disclosure in accordance with Indiana Code 5-14-3.

**IT IS SO ORDERED.**

9/20/05  
Date

Lorraine Hitz-Bradley  
Lorraine Hitz-Bradley, Administrative Law Judge